CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY: FEPA: X; EEOC: X.
Charge Number 1992CA3645

Illinois Dept. of Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)
Mr. Nicholas A. Chiaramonte

HOME TELEPHONE NUMBER (include Area Code)
(708) 598-3721

STREET ADDRESS
10347 S. Alta Drive

CITY, STATE AND ZIP CODE
Palos Hills, IL 60465

DATE OF BIRTH:
11/29/32

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME
Fashion Bed Group

NUMBER OF EMPLOYEES, MEMBERS
15+

TELEPHONE (Include Area Code)
(708) 458 1800

STREET ADDRESS
5950 W. 51st Street

CITY, STATE AND ZIP CODE
Chicago, IL 60638

COUNTY
Cook

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
Race:
Color:
Sex:
Religion:
National Origin:
Retaliation:
Age: X

Disability:
Other (Specify)

DATE DISCRIMINATION TOOK PLACE
Earliest (ADEA/EPA)
03/13/92

Latest (All)
03/13/92
Continuing Action

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. On March 13, 1992, I was laid off from my position as vice president of research and development. I was hired March 11, 1985.

II. John Elting, (39), President, told me I was laid off due to downsizing because my division was losing money.

III. I believe I have been discriminated against because of my age, 59, in that:

A. I have a good work performance record.

B. Respondent's policy and practice is to keep the employee with the most seniority and experience.

C. There was no reduction on the volume of Respondent's business.

D. At the time of my lay off Respondent replaced me with Rob Cummins (36), Manager of Engineering. Rob had less seniority and experience than I. Rob is performing my job duties at substantially less pay.

CBS/1dc
X: I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary for State and Local Requirements)
/S [Undecipherable.]

I declare under penalty of perjury that the foregoing is true and correct.

Date
Charging Party (Signature)

I swear or affirm that I have read the above charge and that it is true to the best of y knowledge, information and belief.

SIGNATURE OF COMPLAINANT
/S Nicholas Chiaramonte

DATE 6-25-92

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

Resp. App. 5

Stamped:
RECEIVED Jan 27 1994
Human Rights Commission
Administrative law
Division
No 92 CA 3645

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:
NICHOLAS CHIARAMONTE,
Complainant,

and

FASHION BED GROUP, INC.,
Respondent

Charge No. 92 CA 3645
EEOC No. 21B22551

COMPLAINT OF CIVIL RIGHTS VIOLATION

In accordance with the provisions of the ILLINOIS HUMAN RIGHTS ACT ("Act"), 775 ILCS 5/1-101 et seq., and pursuant to the authority vested in it by the Act, the ILLINOIS DEPARTMENT OF HUMAN RIGHTS ("Department") hereby issues and files its Complaint in this cause as follows:

PARAGRAPH ONE: That complainant, Nicholas Chiaramonte, filed Charge No. 1992 CA 3645, with the

Department on June 25, 1992, alleging on his own behalf to have been aggrieved by practices of age discrimination, prohibited by Section 2-102(A) of the Act;

PARAGRAPH TWO: That at the time of the incidents complained of herein, Respondent, Fashion Bed Group, Inc., was an "Employer" as defined in Section 2-101(B)(1)(a) and was subject to the provisions of the Act;

PARAGRAPH THREE: That Complainant's age at the time of the incidents complained of herein was 59;

PARAGRAPH FOUR: That complainant was hired by Respondent on March 11, 1985, and he held the position of vice president of research and development at the time of the incidents alleged herein;

PARAGRAPH FIVE: That complainant always performed his assigned job duties in an acceptable manner consistent with Respondent's standards;

PARAGRAPH SIX: That on March 13, 1992, Complainant was placed on indefinite layoff which effectively discharged him from his position with Respondent;

PARAGRAPH SEVEN: That Respondent's articulated reason for discharging Complainant was its downsizing and restructuring due to adverse business conditions;

PARAGRAPH EIGHT: That Respondent's stated reason for Complainant's discharge is a pretext for unlawful discrimination;

PARAGRAPH NINE: That at the time of Complainant's layoff, Respondent assigned all Complainant's duties to Robert Cummings (age, 36), and Burt Steward (age, 40);

PARAGRAPH TEN: That after his layoff, Complainant's job responsibilities were assumed by younger, less experienced employees;

PARAGRAPH ELEVEN: That during the period of time relevant to Complainant's layoff, Respondent eliminated the positions of eight other professional/managerial employees similarly situated to Complainant, and all of these positions had been occupied by individuals who were over forty years of age;

PARAGRAPH TWELVE: That Respondent subjected Complainant to a layoff resulting in his discharge, because of his age, 59, in violation of Section 2-102(A) of the Illinois Human Rights act.

WHEREFORE, an ORDER is requested providing the following relief:

(a) That Respondent reinstate Complainant to a position comparable

to what he would have had at a rate of pay comparable to what he would be receiving if not for the civil rights violation committed against him by Respondent;

(b) That Respondent pay to Complainant a sum equal to any loss of wages he may have suffered as a result of the civil rights violation committed against him by Respondent;

(c) That Complainant be made whole as to all benefits and seniority status that would have accrued to him but for the civil rights violations committed against him by Respondent;

(d) That Respondent cease and desist from discriminating on the basis of age in its employment practices;

(e) That Respondent pay to Complainant reasonable attorney's fees and costs incurred as a result of the civil rights violation alleged herein;

(f) That any and all public contracts with the State of Illinois held by Respondent shall terminate immediately;

(g) That Respondent shall be barred from holding any public contract for a period up to, but not to exceed, three years;

(h) That a penalty up to, but not to exceed, the profit earned by Respondent as a direct result of this civil rights violation shall be paid to the State Treasurer; and

(i) That such further relief be granted as may be necessary to make Complainant whole.

ISSUED AND FILED THIS 27th DAY OF JANUARY, 1994.

DEPARTMENT OF HUMAN RIGHTS
ROSE MARY BOMBELA, DIRECTOR

BY: /S/
John R. Petruszak
Staff Attorney

John R. Petruszak
DEPARTMENT OF HUMAN RIGHTS
100 W. Randolph St/Suite 10-100
Chicago, Illinois 60601
(312) 814-4334

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
NICHOLAS CHIARAMONTE,	)	
	)	
Complainant,	)	
	)	Charge Nos.
	)	1992CA3645
and	)	EEOC
	)	ALS Nos. 7967
FASHION BED GROUP, INC.,	)	
	)	
Respondent.	)	

MOTION FOR VOLUNTARY DISMISSAL

Complainant hereby moves to dismiss, with prejudice, the Complaint in the above-captioned matter and the underlying charge filed with the Illinois Department of Human Rights.

This motion is being made of Complainant's own free will, without pressure from any organization or individual.

NICHOLAS CHIARAMONTE
1/1/98

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)
	)
NICHOLAS CHIARAMONTE,	)
	) Charge Nos.
Complainant,	) 1992CA3645
	) EEOC Nos.
	) 21B22515
and	) ALS Nos. 7967
	)
FASHION BED GROUP, INC.,	)
	)
Respondent.	)

FINAL ORDER AND DECISION

This matter comes before me on Complainant's motion for voluntary dismissal pursuant to Section 5300.780 of the Rules and Regulations of the Illinois Human Rights Commission, 56 Ill. Admin. Code ch. XI Section 5300.780 (1992). Complainant, who is represented by counsel, alleges that the motion is made of his own free will, without external pressure. I conclude that the motion is knowlingly and voluntarily made within the meaning of Section 5300.780. I therefore dismiss this case and the underlying Charge No. 1992CA3645 with prejudice.

HUMAN RIGHTS COMMISSION
By: HELEN W. GUNNARSSON
ADMINISTRATIVE LAW JUDGE

ADMINISTRATIVE LAW SECTION
ENTERED: January 21, 1998